

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

ROSALEE WILSON, et al.,

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Plaintiffs

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VS.

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MICHAEL TURNER, et al.,

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Civil Case No. 13-3497 ELH

Defendants

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**PLAINTIFFS' MEMORANDUM OUTLINING SERVICES AND FEES SOUGHT
CONSISTENT WITH LOC. R. 109.2(b)**

Plaintiffs, Rosalee Wilson and Quintel Wilson, by and through their attorneys Jane Santoni and Williams & Santoni, LLP pursuant to the Court's Letter to Counsel dated January 13, 2016, submits this memorandum outlining services and fees sought in this matter and states:

A. The Nature of the Case:

This case involves violations of federal and state debt collection laws. The Plaintiffs allege that Defendants violated 15 USCA 1692, Md. Code Ann. Comm. Law Article, Section 14-201 et seq and Maryland Code Ann. Comm. Law Article, Section 13-301 et seq, by threatening Plaintiffs with arrest and imprisonment, speaking to persons other than the debtor about the debt, using harassing language, calling the Plaintiff directly despite the fact that Plaintiffs had representation, and other violations set forth in the Second Amended Complaint (EFC 28).

B. The Claims as to Which the Party Prevailed:

This case involves a default order against all three Defendants named in the Second

Amended Complaint, thus Plaintiffs prevailed on each count sought. The primary reason for the amendments of the pleadings is because the Defendant Paul Edherue was using the fictitious name "Michael Turner," and because Defendant America's Financial Trust dissolved and re-formed, which Plaintiffs assert was done to avoid liability.

C. Detailed Description of Work Performed:

1. Jane Santoni

The primary attorney in this action was Jane Santoni, partner of Williams & Santoni, LLP. Her billable rate was \$400 per hour and she has been licensed as a attorney since 1986. As set forth in the time sheets, attached as Exhibit A, she began working on this file on Tuesday, November 5, 2013, by preparing the law suit. Her work included work typical for handling this type of action, including: preparing and filing the suit, evaluating case value, preparing demands, communicating with opposing counsel, responding to Motions to Dismiss, researching, responding to this Court's requests, including Show Cause requests, moving forward with default judgments (including discussing with associate attorney Elsa Clausen for preparation of them).

Because the original Motion to Dismiss resulted in an Amended Complaint being filed, Plaintiff has deducted any time spent in responding to that Motion to Dismiss. Likewise, a Motion for Judgment was filed which was later determined to be premature, so all time spent on the original Motion for Judgment has been withdrawn. Taking into account the work done, and assuming preparation and attendance at the hearing will require an additional 5 hours, the attorneys' fees are **\$15,720**. These fees

would have been significantly less had Defendants not evaded service, used false names, and dissolved and re-formed, in what Plaintiffs assert were attempts to evade liability.

2. Elsa Clausen

Ms. Clausen is an associate at Williams & Santoni, LLP. She began working on the case in January 29, 2015. She has been licensed since 2012. Her billable rate was \$200 per hour. Her time sheets are attached as Exhibit B, and this contains details of her time. Her work included research on the issue of LLC dissolution, after America's Financial Trust, LLC dissolved for the second time, and drafting Requests for Orders of Default and Default Judgment.

We deducted any time spent drafting the original requests for Default Judgment which were later withdrawn. Her total fees are **\$4,040.**

3. Chelsea Ortega

Ms. Ortega is a partner at Williams and Santoni, LLP. At the time she performed her work, she was an associate. She has been licensed since 2011. Her billable rate at the time she performed the work for this case was \$225. Her work consisted of drafting written discovery and a depo notice for the corporate representative of America's Financial Trust. Her time sheets are attached as Exhibit C. Her total fees are **\$260.00.**

D. Customary Fee for Similar Work Performed

The billable hour rate is customary in the industry (see Loc. R. Appendix B) and the hours appropriate for the work performed.

E. Costs: **\$491.50.**

F. Considerations for payment of attorney fees:

The factors to determine the reasonableness of a fee are set forth in Rule 1.5 of the Maryland Rules of Professional Conduct (and have been recently adopted by Maryland Rule 2-703(f)(3)). The factors are:

(A) The time and labor required;

This is discussed, *supra*, and set forth in the time sheets.

(B) The novelty and difficulty of the questions involved;

Although legally and factually the case is rather straight forward, the legal status and maneuvering of defendants made this matter more difficult and time consuming.

(C) The skill requisite to perform the legal service properly;

Navigating federal and state debt collection, and consumer protection statutes required proper skill and experience. Numerous pleadings and motions were necessary to keep the case moving forward toward resolution.

(D) Whether acceptance of the case precluded other employment by the attorney;

Time spent naturally precluded the Plaintiffs' attorneys from working on other matters.

(E) The customary fee for similar legal services;;

Mr. and Ms. Wilson's attorneys' hourly rates are fair, reasonable, and customary in the geographic location of Baltimore County and the Baltimore-Washington corridor for lawyers of their respective experience.. See Local Rules of U.S. District Court of Maryland, Appendix B.3(e).

Ms. Santoni's full hourly rate and fee requests continue to be approved by both State and Federal Courts in Maryland, including the matter of: *Smith, et al. v. Toyota Motor Credit*, Federal District Court for Maryland, Case #1:12-cv-02029-WDQ, *Rosier v Performant*

Recovery, Federal District Court for Maryland, Case #14-CV – 01125 JKB, and *Scott v. Condor Capital*, Baltimore City Circuit Court, Case No. 24-C-14-000264, as well as in individual cases, See *Gabriele v. Chamberlin*, Anne Arundel Circuit Court, Case # 02-C-08-135250.

(F) Whether the fee is fixed or contingent;

The agreement entered into between Plaintiffs and their attorneys involved a contingent fee recovery with the agreement that if Plaintiffs prevailed they would be entitled to the actual hourly rate in attorney's fees for all time spent. .

(G) The time limitations imposed by the client or by the circumstances;

There were significant time limitations which were met, including court ordered deadlines.

(H) The amount involved and the results obtained;

The court has not yet awarded any judgment, however, continuing litigation until judgment is a significant accomplishment under the circumstances. Plaintiffs' attorneys firmly believe that unless required to answer legally for these types of violations, Defendants and those like them will continue to use illegal, dishonest, and bullying tactics to the detriment not only of Plaintiffs but those like them. This is the reason why statutes exist.

(I) The experience, reputation, and ability of the lawyer or lawyers performing the services;

Jane Santoni and Williams & Santoni, LLP served as Plaintiffs' attorneys. Jane Santoni practices primarily in the area of consumer rights, and relies on the fee-shifting provisions of the Maryland Consumer Protection Act and the Fair Debt Collections Practices Act as a means of making the firm's practice area an economically viable one. Without the enforcement of the fee-shifting provision of these statutes, it is questionable whether Ms.

Santoni, or other firms doing work in the area of Consumer Protection, would be able to continue to represent consumers. These cases often involve people with limited means who have wronged, but cannot pay an attorney and do not have huge amounts of apparent economic damages to engage an attorney for such a complex case on a typical contingency basis.

Ms. Santoni represents Maryland consumers in claims arising out of many varieties of consumer transactions, including auto dealer fraud, wrongful repossessions, debt collection harassment, mortgage fraud, and predatory lending. She is experienced in these areas, handles numerous cases every year in these areas, and almost invariably recovers her clients' attorney's fees in those settlements. Ms. Santoni has previously received all of the attorney's fees requested at the requested hourly rate under a Consumer Protection Act fee petition in other cases in Maryland Courts, including cases before the Honorable Judge Pamela North (Anne Arundel County), The Honorable Judge Althea Handy (Baltimore City) and Judge James Sullivan (U.S. District Court for the District of Maryland).

Ms. Santoni received her B.A. in Political Science from Loyola College, *magna cum laude*, in 1983 and J.D. from the University of Maryland School of Law in 1986. She has been trying cases for almost 30 years, first as Senior Trial Attorney in personal injury defense at USF&G/St. Paul Insurance Companies, and she has been in private practice in Towson for approximately the past ten (10) years as a partner in Williams & Santoni, LLP. Her background includes cases in the District and Circuit Courts of Maryland, and in the United States District Court for the District of Maryland and in the Court of Special Appeals. Currently, her primary practice area has been consumer law with some personal injury litigation.

Since 2004, Ms. Santoni has regularly attended conferences relating to consumer rights

across the country and has handled numerous attorneys' fee-shifting statute consumer cases. She has been named as a consumer law expert in Harford County Circuit Court and has provided testimony and affidavits in various courts regarding the reasonableness of attorney's fees in consumer protection cases. She has also testified before the state legislature on consumer protection issues.

She has taught consumer protection courses to colleges, community groups, judges and attorneys, including the following:

- *Top Consumer Scams – Consumer Protection Litigation in Maryland – What the Consumer and Business Lawyer Need to Know*, May 15, 2008, Anne Arundel County Bar Association, Annapolis, MD
- *Auto Fraud Trial Roundtable – Report from the Trenches*, May 16, 2010, National Association of Consumer Advocates Auto Fraud Conference, Chicago, IL
- *Voir Dire*, August 3, 2012, National Association of Consumer Advocates Auto Fraud Conference, Clearwater, FL
- *Cross Examination of Defense Witnesses*, August 4, 2012, National Association of Consumer Advocates Auto Fraud Conference, Clearwater, FL
- *Consumer's Rebuttal Case*, August 5, 2012, National Association of Consumer Advocates Auto Fraud Conference, Clearwater, FL
- *The Profitable Consumer Law Practice*, February 28, 2012, National Association of Consumer Advocates, Webinar
- *The Profitable Consumer Law Practice*, June 19, 2013, National Association of Consumer Advocates, Webinar

Ms. Santoni is on the Board of Directors and President of Civil Justice, Inc., an

organization of small and solo firms which handles a significant amount of consumer law cases. She is also a member, the former Maryland State Chair, and on the Ethics Committee of the National Association of Consumer Advocates in Washington D.C., which is, to the best of her knowledge, the only national organization of attorneys who handle a variety of consumer law cases. She is also a member of the Maryland Consumer Rights Coalition, which is, to the best of her knowledge, the only state organization which is devoted exclusively to consumer rights.

She has been interviewed and quoted regarding consumer issues by the New York Times, the Baltimore Sun, The Daily Record, Fox 45, WJZ and WMAR TV as well as national publications, and recently appeared in the auto fraud film, *Driven to Defraud and Beware the Fine Print*.

In 2013 she was named as one of the Daily Record's "Leaders in the Law" and in 2015 was named Consumer Advocate of the Year by the National Association of Consumer Advocates.

Elsa Clausen has been a licensed attorney since 2012. Prior to becoming a licensed attorney, she spent 3 years working in civil litigation as a law clerk with the Maryland Legal Aid Bureau, North Carolina Legal Aid, and the Center of Migrant Rights. Since 2012, Ms. Clausen has worked in the legal department of the Service Employees International Union focusing on labor and employment regulation and litigation, and spent 2 years as an associate in private practices focusing on civil litigation.

Chelsea Ortega graduated from the Pennsylvania State University in 2008 with Highest Honors. She graduated from the University of Maryland School of Law in 2012 Cum Laude. While in law school, Ms. Ortega served as a notes and comments editor for the Journal of Business & Technology Law, as well as a writing fellow for the Legal Writing Center. Ms. Ortega has been practicing consumer law since 2012, when she first took part in the Consumer

Protection Clinic during law school. There, she helped defend clients being sued by debt buyers. Upon graduation from law school, she joined Williams and Santoni, LLP, where she practices personal injury and consumer protection law. Since that time, she has defended approximately 20 clients who are being pursued for a debt. She has also participated in dozens of affirmative consumer protection cases. Ms. Ortega is a member of the State Bar of Maryland, the Maryland Federal district court bar, the Maryland State Bar Association, the Baltimore City Bar Association and the Baltimore County Bar Association. She has been a member of the National Association of Consumer Advocates since 2012 and attends seminars and courses on consumer topics annually. Ms. Ortega is also a volunteer attorney with the Pro Bono Resource Center and Maryland Volunteer Lawyers Service, where she attends a debt collection clinic and gives legal advice to consumers being sued by debt collectors.

(J) The undesirability of the case:

Williams & Santoni, LLP is one of only a handful of consumer firms in the State of Maryland, due to the difficulty and size of most of these cases. Challenging existing, entrenched, and accepted business practices is not desirable for most attorneys, especially on an individual case basis.

(K) The nature and length of the professional relationship with the client;

Williams and Santoni, LLP has represented Mr. and Ms. Wilson in this matter since 2013, almost three years.

(L) Awards in similar cases;

Although most cases settle prior to hearings on Attorney Fee Petitions, in cases where Ms. Santoni has filed Fee Petitions, the courts have awarded the Petitions in full. In addition,

Maryland Case law states that even if the attorneys' fees are significantly more than the underlying judgment, in consumer protection cases this is to be expected and, if otherwise appropriate, should be awarded. See *Friolo v. Frankel*, 201 Md. App. 79, 114 (2011) (“*Friolo IV*”) and *Blaylock v. John Hopkins Federal Credit Union*, 152 Md. App. 338, 354 (2003),

G. Summary: For all of these reasons, Plaintiffs' request that attorneys' fees and costs be awarded in the amount of \$20,511.50

Respectfully Submitted,

/s/Jane Santoni
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Attorney for Plaintiffs

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CERTIFICATE OF SERVICE

I hereby certify that on this 19 day of January, 2016, I served by electronic means or by first class mail postage prepaid, the foregoing "Plaintiffs' Memorandum Outlining Services and Fees Sought Consistent with LOC. R. 109.2(b)" and proposed order on:

Via first class mail

Chigozie (Chazie) Nnabue
1646 Bond Road
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Resident Agent for Defendant, America's Financial Trust, LLC

Via first class mail

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Resident Agent for Defendant, Crawford Johnson's Bail Bonds, Inc.

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Respectfully Submitted,

/s/Jane Santoni

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